

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

ALTADIS U.S.A. INC., a Delaware corporation; ALTADIS RETAIL CORPORATION, a Delaware corporation; CUBAN CIGAR BRANDS, N.V., a Netherlands Antilles corporation; and MAX ROHR, INC., a Delaware corporation,

CASE NO.: 02-23124-CIV-UNGARO

Plaintiffs,

vs.

TABACALERA CUBANA CORP., a Florida corporation, TABACALERA POPULAR CUBANA, INC., a Florida corporation, CUBAN REPLIC CIGAR CO., a partnership, proprietorship or other business entity, PEDRO F. GOMEZ, JOEL A. GOMEZ, EDEL GOMEZ, DAIN INMAN and LEO GUTIERREZ

Defendants.

---

**ORDER GRANTING MOTION FOR PROCEEDINGS SUPPLEMENTARY**

**THIS CAUSE** came before the Court on Plaintiffs/Judgment Creditors, CUBAN CIGAR BRANDS, N.V. ("CCB") and MAX ROHR, INC.'s ("Max Rohr") (collectively, the "Judgment Creditors") Motion for Proceedings Supplementary (the "Motion"). Having reviewed the papers and pleadings, and being otherwise fully informed, it is:

**ORDERED AND ADJUDGED** that:

1. The Motion is **GRANTED**. Judgment Creditors shall be permitted to proceed supplementary against Defendants, Tabacalera Cubana Corp. ("Tabacalera"), Tabacalera Popular Cubana, Inc. ("Popular"), Cuban Replica Cigar Co. ("Replica"), Pedro F. Gomez ("Pedro"), Joel A. Gomez ("Joel") and Edel Gomez ("Edel") (collectively, the "Judgment Debtors").

2. Pursuant to Fed. R. Civ. P. 69(a) and Fla. Stat. § 56.29(2), the Judgment Debtors are hereby ordered to appear before Magistrate Judge Simonon on May 21, 2008 at 9:30<sup>am</sup> to be examined under oath concerning their assets, and to show cause why the following trademarks, trademark registrations, and the inventory and goodwill associated therewith shall not be seized by the United States Marshall and sold at judicial auction to be applied toward the satisfaction of the November 26, 2003 Final Judgment against the Judgment Debtors:

- a. "POPULAR" trademark and U.S. Registration No. 3,149,225, issued by the U.S. Patent and Trademark Office on September 26, 2006;
- b. "TABACALERA CUBANA CUBA 1913 REAL FABRICA DE TABACOS TABACALERA POPULAR CUBANA and Design" trademark and U.S. Registration No. 2,509,096 issued by the U.S. Patent and Trademark Office on November 20, 2001; and
- c. "POPULAR and Design" trademark and U.S. Registration No. 3,409,586 issued by the U.S. Patent and Trademark Office on April 8, 2008.

3. Pursuant to Fla. Stat. § 56.29(11), the Court reserves jurisdiction to tax costs, as well as all incidental costs determined to be reasonable and just, including, but not limited to docketing the execution, Marshall's service fees, and court reporter's fees, and reasonable attorneys' fees against the Defendant/Judgment Debtors.

**DONE AND ORDERED** in Chambers, at Miami-Dade County, Miami, Florida on this 21 day of April, 2008.

Ursula Ungaro  
United States District Court Judge  
URSULA UNGARO

Copies furnished to:

Counsel of Record

Tabacalera Popular Cubana, Inc.  
12745 SW 72<sup>nd</sup> Terrace  
Miami, FL 33183

Pedro F. Gomez  
12745 SW 72<sup>nd</sup> Terrace  
Miami, FL 33183

Joel A. Gomez  
619 SW 28<sup>th</sup> Terrace  
Cape Coral, FL 33914

Edel Gomez  
619 SW 28<sup>th</sup> Terrace  
Cape Coral, FL 33914